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### **REMARKS**

Reconsideration and reexamination of the application is requested in view of the above amendments and the following remarks. Claims 2-6 have been amended. New claims 7-19 are added. Claims 1-19 are pending.

Support for the amendments to claim 2 are supported by at least the description at pages 12-13 of the present specification. Support for the amendments to claim 3 are provided by at least Figures 1 and 2 of the present application. The amendment to claim 4 is supported by the language used in claim 3. Claim 5 is amended to depend from claim 3, and the other amendments are supported by at least page 12, line 25 to page 13, line 4; page 15, line 24; and Figure 5 of the present application. New claims 7-19 are supported by the originally filed disclosure. No new matter has been added.

### **§ 112 Rejections**

Claims 2-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 2, 3 and 5 are amended to delete the language in question. The claims are definite.

### **§ 103 Rejections**

Claims 2-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 2,329,877 (GB '877) in view of von Sivers (U.S. 4,531,761) and further in view of Kami (U.S. 5,560,651). Applicants respectfully traverse this rejection.

#### **Claim 2**

With respect to claim 2, GB '877, von Sivers and Kami fail to disclose the use of mounts having a lower fracture stress upon crash have first and second members at least one of which is detachable from the vehicle body or subframe or from the elastic body upon crash without failure of the first and second members.

GB '887 does not disclose the use of mounts with elastic bodies. Further, GB '887 does not disclose the use of mounts where first or second members are detachable from the vehicle body or subframe or from the elastic body upon crash without failure of the first and second members. Instead, GB '877 discloses a vehicle structure in which a subframe 18 is mounted on a vehicle body via mountings 20, 22, 24, 26. One pair of the mountings (e.g., mountings 20, 22)

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are nonfrangible (e.g., does not brake or fail) and another pair of the mountings (e.g., mountings 24, 26) are frangible so as to brake or fail upon impact forces F2 (see figure 4 of GB '877).

von Sivers discloses two mounting embodiments for mounting of a subframe to a vehicle body. Each of the embodiments includes a core or shaft 6, 6', and elastic element 7, 7', and a sheet metal cover 8, 8' which extends partly at the outer surface of the bushings 7, 7' and partly also into the inside of the bushing 7, 7'. However, von Sivers does not teach mounts where first or second members of the mounts having a lower fracture stress are detachable from the vehicle body or subframe or from the elastic body upon crash without failure of the first and second members. In von Sivers, there is no indication that there is detachment without failure as claimed.

Further, there is no teaching in either GB '877 or von Siver that the mount of the type disclosed in von Siver is to be used on mounts having a lower fracture stress. Even if the mount in von Siver is used to replace a pair of the mounts in GB '877, the von Siver mounts could have a fracture stress upon crash that are greater than the other mounts in GB '877.

Kami is relied upon for teaching a linkage. Since a linkage is not recited in claim 2, Kami is not relevant to claim 2. In any event, Kami does not remedy the deficiencies of GB '877 and von Siver.

### Claim 3

With respect to claim 3, GB '877, von Sivers and Kami fail to disclose the use of first and second pairs of mounts that have differing constructions as claimed, including the first and second pairs of mounts having an elastic body, and a second member directly attached to the subframe.

In GB '877, the mount pairs 20, 22 and 24, 26 do not have the construction as recited in claim 3. In particular, one of the mount pairs does not utilize an internal tube, an external tube and an elastic body between the tubes, and one of the mount pairs does not utilize a first member, a second member directly attached to the subframe, and an elastic body. The mount pairs in GB '877 do not use elastic bodies.

von Sivers fails to remedy the deficiencies of GB '877. In the embodiment of Figure 1 of von Sivers, the metal cover 8 is spaced from the subframe 5 by a portion of the bushing 7, and in Figure 2 the metal cover 8' is spaced from the subframe 5' by an elastic layer 15' defined by a

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lower limit flange 14' as well as by rim portion 16'. Therefore, von Sivers fails to disclose a second member "directly attached to the subframe," as required by claim 3.

Further, neither GB '877 nor von Siver teach the use of two different pair of mounts as recited in claim 3. If all the mounts in GB '877 are replaced with the mount taught by von Siver, the invention recited in claim 3 would not result. Further, if only one pair of the mounts in GB '877 is replaced by the von Siver mount, the invention recited in claim 3 would not result.

Kami is relied upon for teaching a linkage. Since a linkage is not recited in claim 3, Kami is not relevant to claim 3. In any event, Kami does not remedy the deficiencies of GB '877 and von Siver.

Prior claims 4-6 depend from claim 3 and are patentable along with claim 3 and need not be separately distinguished at this time. Applicants do not concede the propriety of the rejections to claims 4-6.

#### New Claims

New claims 7-19 depend from claim 3 and recite further features and limitations of the invention. Claims 7-19 are patentable along with claim 3. Further, the cited references fail to disclose or suggest the limitations of claims 7-19.

#### Conclusion

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicants attorney listed below at 612.455.3802.

Dated: July 13, 2005

Respectfully Submitted,



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